

# Order

Entered:

September 30, 2003

ADM File No. 2003-39

Amendment of Rule 3.955  
of the Michigan Court Rules

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**Michigan Supreme Court  
Lansing, Michigan**

Maura D. Corrigan,  
Chief Justice

Michael F. Cavanagh  
Elizabeth A. Weaver  
Marilyn Kelly  
Clifford W. Taylor  
Robert P. Young, Jr.  
Stephen J. Markman,  
Justices

By order dated July 17, 2003, this Court amended Rule 3.955 of the Michigan Court Rules, effective immediately, in conformity with the notice provided in *People v Petty*, 469 Mich 108 (2003). At the same time, the Court advised that the matter would appear on the agenda of a future public administrative hearing. Notice and an opportunity for comment at a public hearing having been provided, Rule 3.955, as amended July 17, 2003, is further amended, to be effective October 1, 2003.

[Additions are indicated below by underlining and  
deletions are indicated by strikeover.]

## Rule 3.955 Sentencing or Disposition in Designated Cases

(A) Determining Whether to Sentence or Impose Disposition. If a juvenile is convicted under MCL 712A.2d, sentencing or disposition shall be made as provided in MCL 712A.18(1)(n) and the Crime Victim's Rights Act, MCL 780.751 *et seq.*, if applicable. In deciding whether to enter an order of disposition, or impose or delay imposition of sentence, the court shall consider all the following factors, giving greater weight to the seriousness of the offense and the juvenile's prior record:

- (1) [Unchanged from July 17, 2003.]
- (2) [Unchanged from July 17, 2003.]
- (3) [Unchanged from July 17, 2003.]

(4) [Unchanged from July 17, 2003.]

(5) [Unchanged from July 17, 2003.]

(6) [Unchanged from July 17, 2003.]

The court also shall give the juvenile defendant, the juvenile's defendant's lawyer, the prosecutor, and the victim an opportunity to advise the court of any circumstances they believe the court should consider in deciding whether to enter an order of disposition or to impose or delay imposition of sentence.

(B) - (E) [Unchanged.]

Staff Comment: The September 30, 2003, amendment of MCR 3.955, effective October 1, 2003, modified the last paragraph of subrule (A) by substituting the words “juvenile” and “juvenile’s lawyer” for the words “defendant” and “defendant’s lawyer.”

The staff comment is published only for the benefit of the bench and bar and is not an authoritative construction by the Court.



I, CORBIN R. DAVIS, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

September 30, 2003

Corbin R. Davis

Clerk